



The Commonwealth of Massachusetts

Office of Campaign & Political Finance

One Ashburton Place, Boston 02108

727-8352

*Dennis J. Duffin
Director*

AO-1983-08
June 29, 1983

AO-8

William A. McDermott, Esquire
27 School Street
Boston, MA 02108

Dear Mr. McDermott:

Several weeks ago you requested my Opinion as to the permissibility of an arrangement by the Finnegan for Boston Committee with the New England Telephone and Telegraph Company, under M.G.L. c. 55, the Massachusetts campaign finance law.

From your letters to me and our subsequent conversations, it appears that the Finnegan for Boston Committee has received certain treatment from New England Telephone Company regarding telephone equipment.

The facts as represented by you, are as follows:

The FBC is a tenant at will at 383 Neponset Avenue, Dorchester, Massachusetts, and currently has two (2) telephone lines in its name, for which a deposit of \$200.00 per instrument has been given to NET & T.

In one room of the premises, there are ten (10) telephone lines and jacks, which were installed by NET & T for the use of the Committee to Re-elect John J. Finnegan State Auditor (CRJF). These ten (10) lines have been disconnected at the request of the CRJF.

You state that you have made inquiries of NET & T to determine whether or not the FBC could employ ten (10) instruments with this pre-installed equipment. NET & T has informed you that the current wiring and jacks remain their equipment and does not vest in the prior user (CRJF). In order to employ this equipment, the FBC must pay an initial deposit of \$200.00 per instrument, together with the attendant installation fee.

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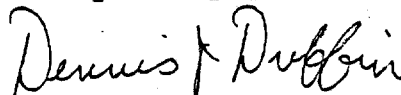
According to subsequent conversations by members of my staff with Ms. Doris Ford of New England Telephone, the John Finnegan Committee requested the termination of their telephone service at the Dorchester location. The cable and telephone sets were left at the premises at the request of the John Finnegan Committee. Ms. Ford has stated that even if this equipment were removed, it would not have resulted in a credit or any value to the John Finnegan Committee. The wiring for the jacks would have remained at the premises notwithstanding any request made to do so, since that is the normal course of business for a single-line telephone as existed at this location. Since sets did remain, the David Finnegan Committee was not forced to travel to the Phone Center Store of New England Telephone to obtain telephone sets for their use.

The John Finnegan Committee is organized on behalf of a candidate for the Office of auditor. M.G.L. c. 55, Section 6 states that "...no such committee...may contribute to any other political committee or to the campaign fund of any other candidate." In my opinion, the above-described transaction has not resulted in a "transfer of money or anything of value between political committee." (See G.L. c. 55, Section 1, definition of "contribution.") The mere avoidance of a short trip to obtain the telephone sets is not something of value as contemplated by c. 55.

Therefore, I conclude that the above described transaction is not prohibited by the Massachusetts campaign finance law.

This opinion has been rendered on the basis of facts and representations as made by you and agents of the New England Telephone. No independent investigation, other than that cited above, has been made of any facts relative to the matter in question.

Very truly yours,


Dennis J. Duffin
Director

DJD/rep